

REMARKS

SUMMARY

Claims 14-28 are pending. Claims 1-13 have been previously canceled without prejudice.

Claims 14-19 and 21-28 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Bridgelall, U.S. Patent Publication No. 20020085516 (“Bridgelall”), further in view of Gallagher et al., U.S. Patent Publication No. 20060009201 (“Gallagher”). Claim 20 has been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Bridgelall*, further in view of *Gallagher* and Lescuyer et al., European Patent No. 1257141 (“Lescuyer”).

APPLICANTS’ RESPONSE

In this Response, Applicants present arguments concerning the patentability of claims 14-28 to address the Examiner’s rejections. Applicants’ silence with regard to any aspect of the Examiner’s rejections of the dependent claims is based on Applicants’ contention that the rejections are moot based on Applicants’ remarks relative to the independent claim from which the dependent claims depend.

Applicants have amended claim 14 to better clarify the claimed subject matter. No new matter is introduced by virtue of these amendments. Support for the amendments can be found throughout the specification, for example, in the published application at paragraphs [0030] and [0049].

35 U.S.C. § 103 REJECTIONS

At the outset, Applicants respectfully indicate that the rejection of claim 1 on page 2 is properly a rejection of claim 14 and have made the following remarks with this in mind.

To reject claims in an application under Section 103, the Office Action must establish a *prima facie* case of obviousness. Using the Supreme Court's guidelines enunciated in *Graham v. John Deere*, 383 U.S. 1, 17 (1966), one determines "obviousness" as follows: Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined.

In *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398 (2007), the Supreme Court reaffirmed the *Graham* test, and indicated that although it should not be rigidly applied, a helpful insight into determining obviousness is to consider whether there is a teaching, suggestion or motivation in the prior art that would lead one of ordinary skill in the art to combine known elements of the prior art to arrive at the claimed invention. The Court emphasized that a patent examiner's analysis under Section 103 should be made explicit in order to facilitate review.

Thus, to establish a *prima facie* case of obviousness, the Office Action must construe the scope of the prior art, identify the differences between the claims and the prior art, and determine the level of skill in the pertinent art at the time of the invention. The Office Action must then provide an explicit, cogent reason based on the foregoing why it would be obvious to modify the prior art to arrive at the claimed invention. Applicants respectfully submit that cited prior art, whether taken alone or in combination, does not disclose or suggest each and every feature of independent claim 14, as amended.

As amended, claim 14 recites, *inter alia*:

A method for production of a connection between a mobile station and a communication network, the mobile station performing the steps comprising:

automatically performing identification processes which identify usable connection options to different networks having different standards and frequency bands, wherein a first standard is selected and a check is carried out of the usable connection options within this first standard, then a next standard is selected and a

check is carried out of the usable connection options within this next standard, wherein connection parameters which identify the standard with which a usable connection option is found are stored, and wherein the identification processes are carried out during a power management cycle;

selecting a usable connection option; and
setting up a connection from the mobile station to the network via an access point after selection of connection parameters, wherein the connection is set up by the mobile station to the access point which is being communicated to via the standard for which the usable connection option has been selected.

(emphasis added).

Applicants respectfully submit that neither *Bridgelall* nor *Gallagher*, taken alone or in combination disclose or suggest “automatically performing identification processes which identify usable connection options to different networks having different standards and frequency bands ... wherein the identification processes are carried out during a power management cycle” (emphasis added). According to the application specification:

One particular embodiment of the invention provides for the identification and the data storage or updating, for which parameters which identify the standard of a connection option which has been found in a subsequent identification process are stored, to be carried out within a time period in which no data is transmitted, and the mobile station is not busy carrying out other processes, which it may not be possible to interrupt.
In this situation, the identification process is carried out in the power management cycle.

Publication, Paras [0029]-[0030].

In contrast, identification of the network to be switched to in *Bridgelall* is carried out while calls are ongoing, indicating that the identification processes are not carried out during power management:

Before roaming begins, the system verifies that a WLAN voice connection is in progress and that the WWAN Radio is idle and monitoring for WWAN network paging. This requires that WWAN signaling and network registration must be achievable

during a WLAN VoIP connection. For example, while the user is conversing, via voice over IP while leaving a building with almost no WWAN coverage, the WWAN Radio will need to find the network and register before the call can be switched over. The switching must occur during the WWAN VoIP connection without significant disruption of the VoIP quality and as a result, the WWAN signaling must be time multiplexed into the WLAN connection.

Bridgelall, Para. [0076].

In Step 2, while the Radio B sub-system is engaged in a voice traffic connection via the gateway with party C, the terminal 1301 request that the gateway 1315 play an ECT command to the network 1305. The command will initiate transfer of the traffic channel to Radio A. Radio B will always know how to reach Radio A, since the system can access the WWAN number from the Subscriber Identification Module Card. Whether or not Radio B originated or accepted the call, via the gateway, has no bearing on the process.

In Step 3, upon receiving the ECT command, the WWAN network checks whether or not Radio A is registered to the network and is answering the call. While this occurs, the connection between Radio B and party C is not interrupted.

Bridgelall, Paras. [0078]-[0079] (emphasis added).

Likewise, nothing in *Gallagher* discloses or suggests carrying out identification of network parameters during a power management cycle. In fact, *Gallagher* does not disclose a power management cycle at all. At best, *Gallagher* states that scanning for GSM or IAN radio coverage occurs when the mobile station is idle. *See e.g., Gallagher*, Para. [0085]. However, an idle state does not teach or suggest a power management cycle. One of ordinary skill in the art would understand that whether a device is in an idle state does not indicate whether the device is undergoing a power management cycle. In fact, a device can be said to be in an idle state whether the device is powered on or powered off, i.e., regardless of the powerstate of the device. Therefore, conducting identification processes during an idle state does not teach or suggest conducting identification processes during a cycle when a device's power is managed.

Accordingly, Applicants respectfully request withdrawal of the rejection to claim 14, and at least because of their dependence therefrom, the rejections to dependent claims 15-28 for at least the same reasons as claim 14.

CONCLUSION

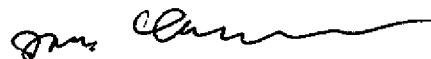
Applicants respectfully submit that this application is now in condition for allowance. Reconsideration and prompt allowance of which are respectfully requested.

The Examiner is invited to contact the undersigned at (212) 408-2517 if any additional information or assistance is required.

Applicants believe that no additional fee is due in connection with the filing of this response. If any additional fee is due, or overpayment made, with regard to this response, Applicants authorize the Director to charge any such fee, and credit any overpayment, to Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS L.L.P.



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